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09/332,244	06/11/1999	MICHAEL D. ELLIS	UV-84	2681

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EXAMINER
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LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2623

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06/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/332,244

Applicant(s)

ELLIS ET AL.

Examiner

Hunter B. Lonsberry

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 250 and 571-886 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 250 and 571-886 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/26/06</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Due to the large number of claims, the Examiner has picked a representative set of claims for examination. Newly added claims 650-886 substantially corresponds to previously addressed claims 330-649, which appear below.

Applicant's failure to traverse the Official Notice(s) taken in the previous action is viewed as admission of prior art.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 250, 330-344, 346, 350-362, 364-368, 372-374, 377-397, 400, 401, 405, 407-420, 423, 427-439, 441-444, 449-451, 454-473, 477, 478, 482, 484-505, 509-521, 523-525, 531-533, 536-556, 559, 560, 564, 566-587, 591-605, 607, 612-614, 617-637,

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640, 641, and 643 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,657,072 to Aristides in view of U.S. Patent 5,805,763 to Lawler and U.S. Patent 5,801,787 to Schein.

Regarding claim 250, Aristides discloses an interactive television program guide system in which television programs are recorded and retrieved on-demand for a number of users, the system comprising:

a remote media server configured to store and retrieve programs on-demand for each user; distribution equipment configured to distribute to each user programs that are retrieved on-demand by the remote media server for each user (column 5, lines 40-57. column 6, lines 21-33);

and interactive program guide television equipment on which an interactive television program guide is implemented and wherein the interactive television program guide is configured to (column 4, lines 15-49):

generate a retrieval request in response to the user indicating a desire to play back a program on-demand with the remote media server (column 5, lines 40-57. column 6, lines 21-33),

and wherein the remote media server is further configured to:

retrieve a program in response to the retrieval request generated by the interactive television program guide (column 5, lines 40-57. column 6, lines 21-33).

Aristides fails to disclose an EPG that generates a record request in response to the user indicating a desire to record a program on-demand with the remote media server, storing the requested program remotely and an Internet service system.

Lawler discloses that user may use an EPG to select a program to record (figure 4a/b, column 10, line 65-column 11, line 6, column 12, lines 29-32), this record request is then transmitted to the headend, and equipment 32 at the headend may record the requested programming (column 12, line 58-column 13, line 13, column 4, lines 20-34).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the EPG of Aristides to enable a user to select a future program for recording as taught by Lawler, thus optimizing storage space on the recording device and bandwidth by only offering programs which are of interest to the users.

While the combination of Aristides and Lawler discloses the use of a WAN or MAN, the combination is silent with regards to an Internet service system independent from the headend.

Schein discloses a STB which is connected to both a DBS input and other inputs (cable box TV tuner etc), column 2, lines 25-40) and retrieves EPG information from a number of sources including the Internet (column 4, lines 24-53, column 6, lines 31-38). When duplicate channels are carried on more than one input, the system may automatically delete one of the duplicate channels or the user may do it on their own (column 5, lines 28-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Aristides and Lawler to utilize the Internet

and duplicate channel deletion features as taught by Schein, for the advantages of providing a source of EPG information when services on a respective medium is disrupted, and deleting duplicate information, thereby allowing a user to receive program guide information at any time and save the user time by not having to review duplicate information.

Regarding claims 330 and 334, Aristides discloses an interactive television program guide system in which television programs are recorded and played back on--demand by a remote media server for a number of users (column 5, lines 26-57, column 6, lines 21-33), the system comprising:

interactive program guide television equipment 22 on which an interactive television program guide 38 is implemented and wherein the interactive television program guide (column 4, lines 15-49): is configured to :

provide the user with an opportunity to indicate a desire to access a directory of program listings for programs recorded by the remote media server (column 6, lines 28-33);

and provide a directory of program listings for programs recorded by the remote media server in response to the user indicating a desire to view a directory of program listings for the programs recorded by the remote media server (column 6, lines 28-33).

Aristides fails to disclose providing a user with an opportunity to indicate at least one program for recording by the remote media server and the use of an Internet service system.

Lawler discloses that user may use an EPG to select a program to record (figure 4a/b, column 10, line 65-column 11, line 6, column 12, lines 29-32), this record request is then transmitted to the headend, and equipment at the headend may record the requested programming (column 12, line 58-column 13, line 13, column 4, lines 20-34).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the EPG of Aristides to enable a user to select a future program for recording as taught by Lawler, thus optimizing storage space on the recording device and bandwidth by only offering programs which are of interest to the users.

While the combination of Aristides and Lawler discloses the use of a WAN or MAN, the combination is silent with regards to an Internet service system independent from the headend.

Schein discloses a STB which is connected to both a DBS input and other inputs (cable box TV tuner etc), column 2, lines 25-40) and retrieves EPG information from a number of sources including the internet (column 4, lines 24-53, column 6, lines 31-38). When duplicate channels are carried on more than one input, the system may automatically delete one of the duplicate channels or the user may do it on their own (column 5, lines 28-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Aristides and Lawler to utilize the Internet

and duplicate channel deletion features as taught by Schein, for the advantages of providing a source of EPG information when services on a respective medium is disrupted, and deleting duplicate information, thereby allowing a user to receive program guide information at any time and save the user time by not having to review duplicate information.

Regarding claims 331 and 332, Aristides discloses a VOD system, which records programming for later playback, and is displayed in an EPG (column 6, lines 21-33).

Aristides and Lawler do not disclose sorting program listings by theme and title.

The examiner takes official notice that sorting program listings by theme and title is notoriously well known in the art. Sorting by theme and title, enables a user to rapidly find programs that they are interested in, for example a user who desires to watch an action movie can quickly browse action movies while ignoring romantic comedies, likewise a user who knows the name of their favourite program can rapidly locate it by the first letter of the title.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides and Lawler to sort program listings by theme and title, thus enabling a user to rapidly find programs of interest.

Regarding claim 333, Aristides discloses a VOD system, which records programming for later playback, and is displayed in an EPG (column 6, lines 21-33).



Aristides and Lawler do not disclose overlaying the program listings over a currently watched program.

The examiner takes official notice that the use of a partial screen EPG that displays program listings over a currently watched program is well known in the art. Partial screen guides enable a user to continue to follow a program while browsing listings of other programs.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides and Lawler to utilize a partial screen program guide, thus enabling a user to browse program listings while continuing to view a program.

Regarding claim 335, Aristides discloses that the interactive television program guide is further configured to display information about at least one of the programs recorded by the remote media server in response to the user indicating a desire to view information about the at least one program recorded by the remote media server (column 6, lines 21-33).

Regarding claims 336-339, Aristides discloses a VOD system.

Aristides and Lawler do not disclose the use of a fast forward, rewind command, stop or pause command.

The examiner takes official notice that the use of fast forward, rewind, stop and pause commands transmitted via a user interface to a remote VOD server to control the

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display of video is notoriously well known in the art. Play control commands are well known in enabling a user to review a portion of the video for analysis, and enabling a user to view the video at a later time.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides and Lawler to utilize a fast-forward, rewind, stop, and pause command, thus enabling a user to have more control over the display of the received video and allowing the user to view the programming at their own pace.

Regarding claim 340, Aristides discloses a system, which automatically caches all current programs.

Aristides fails to disclose caching a program in response to a user indicating a desire to cache a program.

Lawler discloses that user may use an EPG to select a program to cache (figure 4a/b, column 10, line 65-column 11, line 6, column 12, lines 29-32), this cache request is then transmitted to the headend, and equipment 32 at the headend may record the requested programming (column 12, line 58-column 13, line 13, column 4, lines 20-34).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the EPG of Aristides to enable a user to select a future program for caching as taught by Lawler, thus optimizing storage space on the recording device by only recording programs of interest for a specific user.

Regarding claim 341, Aristides discloses that the remote media server is further configured to automatically cache all current programs; and the remote media server is further configured to play back at least a portion of a cached program in response to a user indicating a desire to view at least a portion of the cached program with the interactive television program guide (column 5, lines 40-57, column 6, lines 21-33).

Regarding claims 342-343, Aristides discloses a remote server, which provides VOD of TV programs.

The combination of Aristides and Lawler does not disclose enabling a user to delete a program via the EPG or where the remote server automatically deletes recorded programs.

The examiner takes official notice that the use of a GUI to select files to delete, and a storage device which is configured to automatically delete data is notoriously well known in the art. For example, users may use a GUI to delete files off their hard drive as to free up space for new files, and servers or caching devices may be configured to delete files aged past a certain date when free space is low, thus enabling new files to be stored.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides and Lawler to enable a user to delete a file (stored program) via the EPG, and to configure the server to automatically delete files, thus ensuring that free space would be available to record new programs.

Regarding claim 346, Aristides discloses that the interactive program guide television equipment comprises user television equipment 26; the remote media server is further configured to store and play back on-demand program guide data associated with the programs stored by the remote media server; and the interactive television program guide is further configured to present program guide data on the user television equipment to a user as if an associated program were being originally aired (column 6, lines 21-33, column 8, lines 36-52).

Regarding claims 350-351, see claim 330.

Regarding claim 352, see claim 331.

Regarding claim 353, see claim 332.

Regarding claim 354, see claim 333.

Regarding claim 355, see claim 334.

Regarding claim 356, see claim 335.

Regarding claims 357-360, see claims 336-339.

Regarding claims 361-362, see claims 340-341.

Regarding claims 364-365, see claims 342-343.

Regarding claim 366, see claim 344.

Regarding claim 367, see claim 346.

Regarding claim 368, see claim 348.

Regarding claim 372, Aristides discloses a VOD system.

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Aristides does not disclose recording a program grouping having at least one program for recording.

Lawler discloses that a user may select a program to record, for one time only or for a group of programs (record every week option 146, figure 9, column 12, lines 29-43).

Regarding claims 373-374, Aristides discloses a VOD system.

Aristides and Lawler do not disclose the use of a copy protection that prohibits the recording of a program.

The examiner takes official notice that the use of a bit to disable copying and displaying a copy protection message is notoriously well known in the art. For example a read only flag, CSS protection on a DVD.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides and Lawler to utilize a copy protection bit to prohibit unlicensed copying, thus protecting the revenue streams of a content provider.

Regarding claim 377, Aristides discloses a VOD system.

Lawler discloses displaying an icon, which indicates a program to be recorded (column 8, lines 35-53).

Aristides and Lawler do not disclose displaying listings for future programs to be recorded.

The examiner takes official notice that displaying listings for programs to be recorded is notoriously well known in the art. For example, a VCR menu, which lists programs to be recorded and enables a user to remember which programs they have set to record.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides and Lawler to display a list of programs to be recorded, thus enabling a user to remember which programs they have set to record.

Regarding claims 378-379, Aristides discloses a VOD system.

Lawler discloses displaying program listings, an icon indicating that a program is to be recorded may be displayed within a program tile 88 (column 8, lines 43-53), thus displaying listings for programs to record and programs not to be recorded. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Aristides to display the icons of Lawler, thus enabling a user to remember which programs they have set to record.

Regarding claims 380-381, and 383-384, Aristides discloses a VOD system.

Aristides and Lawler do not disclose the use of billing information for recording programs on the remote server and utilizing a flat fee.

The examiner takes official notice that the use of charging a flat fee for access to remote data storage services is notoriously well known in the art. Flat fees encourage a user to use a service more often than an unmetered service.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides and Lawler to utilize a flat fee for access to remote data storage services thus enticing a user to use a service more often.

Regarding claim 382, 385, 388, Aristides discloses a VOD system.

Aristides and Lawler do not disclose billing a user based upon the length of a program and identifying the billed program.

The examiner takes official notice that billing a user based on the amount of time a service is used is notoriously well known in the art. For example, when a user uses long distance service, a user is billed based on the total number of minutes the service is used for a corresponding dialed number, thus a user who uses a service more often pays more than a user who uses it less.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides and Lawler to generate billing information based upon the total time a service is used (the length of the program), thus compensating the service provider for a user who records a longer program more than a user who records a shorter one.

Regarding claims 386-387, Aristides discloses a VOD system.

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Aristides and Lawler do not disclose a flat fee for playback of programs of identifying played back programs in billing information.

The examiner takes official notice that presenting a billing statement identifying watched programs and charging a flat fee for accessing programming is notoriously well known in the art. Flat fees encourage a user to use a service more often than an unmetered service.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides and Lawler to generate billing information on a billing statement identifying programs watched, and charging a flat fee, thus enabling a user to keep track of programs they have viewed, and encouraging a user to playback programs more often.

Regarding claims 389-390, Aristides discloses a VOD service.

Aristides and Lawler do not disclose the EPG indicating to a user the charge associated with playback of a program, and charging a flat fee.

The examiner takes official notice that indicating a user how much it will cost to play back a program and charging a flat fee for accessing programming is notoriously well known in the art. Flat fees encourage a user to use a service more often than an unmetered service.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides and Lawler to indicate to a user the charge associated with retrieving programming and charging a flat fee for access, thus



enabling a user to make an informed choice on viewing a program and encouraging a user to playback programs more often.

Regarding claim 391, Aristides discloses a VOD service.

Aristides and Lawler do not disclose the EPG indicating to a user the charge associated with playback of a program, and charging a fee based on the length of the program

The examiner takes official notice that indicating a user how much it will cost to play back a program and billing a user based on the amount of time a service is used in notoriously well known in the art. For example, when a user uses long distance service, a user is billed based on the total number of minutes the service is used for a corresponding dialed number, thus a user who uses a service more often pays more than a user who uses it less.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides and Lawler to indicate to a user the charge associated with retrieving programming and generate billing information based upon the total time a service is used (the length of the program), thus compensating the service provider for a user who records a longer program more than a user who records a shorter one.

Regarding claims 392-393, see claim 380-381.

Regarding claim 394, see claim 382.

Regarding claim 395-396, see claim 380.

Regarding claim 397, see claim 382.

Regarding claims 400-401, Aristides discloses a VOD system that records TV programming.

Aristides and Lawler fail to disclose allowing a user to set an audio and video format for the recorded information.

The examiner takes official notice that setting an audio and video format while operating capture software for the playback of an audiovisual program is notoriously well known in the art, for example Adobe Premier software allows a user to set the quality of the audio and how many channels, as well as the resolution of the video and the format to which it is to be saved in.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides and Lawler to enable a user to set the audio and video format for the recorded programs, thus allowing a user to set the quality of the played back audio and video.

Regarding claim 405, Aristides discloses a VOD system that stores programs being broadcast for later playback by a number of users (column 5, lines 40-47, and column 6, lines 21-33).

Regarding claims 484-488, see claims 79-83.

Regarding claims 407-420, 423, 427-439, 441-444, 449-451, 454-473, 477, 478, and 482, see claims 330-344, 346, 350-362, 364-368, 372-374, 377-397, 400, 401, and 405.

Regarding claims 489-505, 509-521, 523-524, 531-533, 536-556, 559, 560, and 564, see claims 330-344, 346, 350-362, 364-368, 372-374, 377-397, 400, 401, and 405.

Regarding claims 566-570, see claims 79-83.

Regarding claims 571-587, 591-605, 607, 612-614, 617-637, 640, 641, and 643, see claims 330-344, 346, 350-362, 364-368, 372-374, 377-397, 400, 401, and 405.

3. Claims 344, 421, 525, and 606 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,657,072 to Aristides in view of U.S. Patent 5,805,763 to Lawler and U.S. Patent 5,801,787 to Schein in further view of U.S. Patent 6,441,832 to Tao.

Regarding claim 344, Aristides discloses a VOD server, which plays back TV programs.

Aristides, Lawler and Schein do not disclose the use of a playlist to playback programs.

Tao discloses in figure 1, a playlist, which may be created by a user, after the playlist is created it is played back by a server for viewing (column 7, lines 46-59).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides, Lawler and Schein to utilize playlist creation software as taught by Tao, thus allowing a user to view a number of programs in any order they wished.

4. Claims 345 and 422 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,657,072 to Aristides in view of U.S. Patent 5,805,763 to Lawler and U.S. Patent 5,801,787 to Schein in further view of U.S. Patent 5,761,607 to Gudesen.

Regarding claim 345, Aristides discloses a VOD system.

Aristides, Lawler and Schein fail to disclose an EPG enabled device, which stores files received from a remote server for later playback.

Gudesen discloses a STB receiver in which a user uses a control interface 207 to select VOD files from a VOD library, the data is then transmitted to a user device for later viewing (column 5, lines 6-40).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides, Lawler and Schein to utilize the local storage of Gudesen thus enabling a user to perform trick play functions without utilizing additional bandwidth on the network (Gudeson, column 7, lines 17-25).

5. Claims 370-371, 447, 448, 529, 530, 610, 611 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,657,072 to Aristides in view of U.S. Patent 5,805,763 to Lawler and U.S. Patent 5,801,787 to Schein in further view of U.S. Patent 5,850,218 to LaJoie.

Regarding claims 370-371, Aristides discloses a VOD system.

Aristides, Lawler and Schein do not disclose recording a PPV program.

LaJoie discloses a system in which the interactive television program guide is further configured to provide the user with an opportunity to purchase a pay-per-view program and the EPG is configured to record the purchased pay-per-view program (column 21, lines 42-49).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides, Lawler and Schein to allow a user to record a purchased pay per view programming as taught by LaJoie, thus enabling a user to view a program at their own convenience.

6. Claims 375-376, 452, 453, 534, 535, 615, 616 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,657,072 to Aristides in view of U.S. Patent 5,805,763 to Lawler and U.S. Patent 5,801,787 to Schein in further view of U.S. Patent 5,778,181 to Hidary.

Regarding claims 375 and 376, Aristides discloses a VOD system, which stores previously broadcasted TV programs.

Aristides, Lawler and Schein do not disclose recording interactive content associated with a program.

Hidary discloses a video system in which hyperlinks are embedded in the VBI of a broadcasted video, a user may record the video and access the interactive content (column 3, lines 29-50, 58-68, column 4, lines 12-33, column 6, lines 51-57).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides, Lawler and Schein to include the storage of interactive content as taught by Hidary thus allowing a user to learn more about the previously broadcasted subject matter.

7. Claims 398-399, 475, 476, 557,558, 638, and 639 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,657,072 to Aristides in view of U.S. Patent 5,805,763 to Lawler and U.S. Patent 5,801,787 to Schein in further view of U.S. Patent 6,473,559 to Knudson.

Regarding claims 398-399, 475, 476, 557,558, 638, and 639 , Aristides discloses a VOD system.

Aristides, Lawler and Schein do not disclose providing a user an opportunity to input a parental control code to control the recording and playback of programming.

Knudson discloses an EPG in which a user may input a parental code to prohibit the recording of programming which would be inappropriate for children (Figures 7a/b, column 8, lines 11-54).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides, Lawler and Schein to allow a user to enter a parental code as taught by Knudson thus prohibiting the recording of inappropriate material.

Aristides, Lawler, Schein and Knudson do not disclose the use of a parental code to prohibit the playback of recorded programming.

The examiner takes official notice that the use of a parental code to control the playback of recorded material is notoriously well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Aristides, Lawler, Schein and Knudson to allow a user to enter a parental code prohibiting the playback of inappropriate recorded material.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the


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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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Art Unit 2623



HBL